

REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

I. STATUS OF THE CLAIMS

Claims 1-21 are pending in this application.

Claims 2, 12 and 15-21 have been withdrawn from consideration pursuant to a Restriction Requirement. Claims 13 and 14 have been allowed. Claim 1 has been amended herewith to further clarify that the spacers are column spacers. New claims 22-31 have been added.

Support for the above amendments and new claims may be found throughout the specification as originally filed. No new matter has been added by virtue of this amendment.

II. 35 U.S.C. 102(b) and 35 U.S.C. 102(e) REJECTIONS

Claims 1 and 8 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,537, 235 to Ishihara et al (hereinafter Ishihara).

Claims 1, 3, 4 and 8-10 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. US 2004/0130671 to Byun et al (hereinafter Byun).

Claims 1 and 11 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,870,593 B2 to Satoh (hereinafter Satoh).

Initially, Applicants acknowledge with appreciation, the Examiner's indication in the present Office Action that claims 13 and 14 have been allowed.

In response to the above rejections, Applicants respectfully assert that Ishihara, and Satoh each fail to teach or suggest all of the features recited in claim 1. Further, it is respectfully asserted that Byun is not prior art with respect to any of the pending claims.

As noted above, claim 1 has been amended to further clarify that the spacers are column spacers.

Ishihara at the very least fails to teach or suggest a panel assembly for a display device, wherein the panel assembly comprises a plurality of column spacers on the panel for supporting the panel, as recited in claim 1. Rather, Ishihara only teaches use of spherically shaped spacers (5a, 5b, and 6b). Thus, Ishihara fails to anticipate the presently claimed invention recited in claim 1.

Second, Satoh at the very least fails to teach or suggest a panel assembly for a display device, wherein the panel assembly comprises spacers having at least two different heights or at least two different contact areas with the panel, as recited in claim 1. Instead, Satoh describes spacers 43 and 44 having the same height and contact areas as one another. In Satoh, it is the height of the color filters 23, 24, and 25 which differ from one another, but not the spacers themselves. Thus, Satoh fails to anticipate the presently claimed invention recited in claim 1.

Next with regard to Byun, it is respectfully asserted that this reference does not qualify as prior art with respect to any of the pending claims, including claims 1, 4, and 8-10 which were specifically rejected based upon Byun. Namely, the effective filing date of Byun for 35 U.S.C. 102(e) purposes is after the foreign priority dates claimed under 35 U.S.C. 119 by the present application to Korean Patent Application Nos. 2002-58391 and 2003-31838. Specifically, the effective 102(e) filing date of Byun is June 25, 2003, whereas the priority dates claimed by the present application are September 26, 2002 (Korean Patent Application No. 2002-58391) and May 20, 2003 (Korean Patent Application No. 2003-31838). Thus, Byun is clearly not prior art with respect to any of the pending claims of the present application, including rejected claims 1, 4 and 8-10.

In this regard, pursuant to **MPEP 201.15**, enclosed herewith for the purpose of overcoming the effective date of Byun, are English translations of the certified copies of each of the above Korean priority applications, together with a statement that the translations of the certified copies of each these priority applications are accurate.

Therefore, for the reasons set forth above, Byun does not constitute prior art and thus cannot be relied upon to support the current claim rejections under 35 U.S.C. 102(e). Accordingly, the claim rejections under 102(e) are legally deficient on their face and, consequently, must be withdrawn.

Withdrawal of the above rejections to claim 1 is respectfully requested, for the reasons set forth above. Since claims 3, 4 and 8 -11 depend from and incorporate all of the limitations of claim 1, withdrawal of the rejection to these claims is likewise respectfully requested. Moreover, previously objected to claims 5-7 are also patentable over Ishihara and Satoh because these claims depend from and incorporate all of the limitations of claim 1 and thus removal of the objections to these dependent claims is likewise respectfully requested.

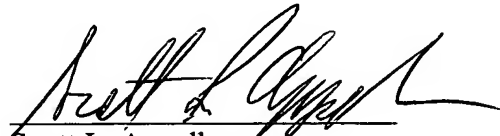
Further, new claims 22-31 are also patentable over all of the above cited references.

IV. CONCLUSION:

In summary, applicant respectfully submits that the instant application is in condition for allowance. Early notice to that end is earnestly solicited.

If a telephone conference would be of assistance in furthering prosecution of the subject application, applicant requests that the undersigned be contacted at the number below.

Respectfully submitted,



Scott L. Appelbaum
Reg. No. 41,587
Attorney for Applicant

F. Chau & Associates, LLC
130 Woodbury Road
Woodbury, NY 11797
Tel: (516) 692-8888
Fax: (516) 692-8889